

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

SE PROPERTY HOLDINGS, LLC,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	MISC. NO. 16-0002-CG-M
	)	
WHITE CITY PARTNERS, LLC, <u>et</u>	)	
<u>al.</u> ,	)	
	)	
Defendant.	)	

**ORDER**

This matter having come before the Court on the Renewed Application for Issuance of Writ of Execution on Real Property by SE Property Holdings, LLC (Doc. 7), and the Court having reviewed the Motion, and having determined that it is due to be granted, it is hereby **ORDERED, ADJUDGED** and **DECREED** as follows:

1. The Renewed Application for Issuance of Writ of Execution on Real Property, pursuant to F.R.C.P. 69(a) is hereby **GRANTED**.
2. These proceedings are governed by F.R.C.P. 69(a)(1), which incorporates state law, embodied in Rule 69 of the Alabama Rules of Civil Procedure, and *Ala. Code* §6-9-1, *et seq.*
3. Pursuant to these procedures, the Clerk shall issue the Writ of Execution to the U.S. Marshal for the Southern District of Alabama, who is directed to forward the writ of execution, notice of right to claim an exemption, and notice of sale to the

United States Marshal's Office for the Northern District of Alabama, which Writ shall be in the form of the proposed Writ attached to the Motion.

4. The U.S. Marshal for the Northern District of Alabama shall serve notice of the sale pursuant to the Writ of Execution by sending said notice, in the form of proposed notice attached to the Motion, and a copy of the Notice of Right to Claim Exemption from Execution, by personal service to the last known address of Michael L. Hammond, pursuant to A.R.C.P. 69(c), or posting said notice at his residence. The last known address for Michael L. Hammond is Post Office Box 1286, Port St. Joe, Florida 32457.

5. The Writ of Execution shall include the real property described in the Motion.

6. The U.S. Marshal for the Northern District of Alabama shall deduct its commission and fees as set forth in Title 28, U.S.C. § 1921 from the proceeds of the sale if advance deposit, to be provided by the Plaintiff, does not cover same.

7. The U.S. Marshal shall schedule the sale under the Writ of Execution on any Monday, at the Courthouse of Cleburne County, Alabama, in Heflin, Alabama, pursuant to *Ala. Code* §6-9-86, during the legal hours of sale.

8. The U.S. Marshal for the Northern District of Alabama shall publish notice of the sale pursuant to the Writ of Execution in a newspaper, once a week for three (3) successive weeks, pursuant to *Ala. Code* §6-9-87. Pursuant to *Ala. Code* §6-9-82, the U.S. Marshal shall also post written notice of the sale pursuant to the

Writ of Execution at the Courthouse door of Cleburne County, Alabama at least thirty (30) days prior to the sale.

9. The U.S. Marshal for the Northern District of Alabama shall conduct the sale upon the designated date, and upon compliance by the purchaser with the terms of the sale, and payment of the fees, costs and expense of the sale, shall execute a deed for the real estate sold and deliver the same to the purchaser within five (5) days of the date of the sale.

10. SE Property Holdings, LLC shall be entitled to a credit bid at any sale up to the amount of its judgment, together with all interest, costs, fees, and expenses of sale.

11. In the event that the successful bidder at the sale of the property fails to deliver payment in accordance with the terms of this order, the property shall be offered for sale in the same manner as provided for in this initial sale.

12. The U.S. Marshal for the Northern District of Alabama shall execute the Writ of Execution with diligence, and shall perform the mandate herein and make return of his acts to the Clerk as soon as practicable, and not later than ninety (90) days from the date of execution.

13. The Writ of Execution, attached hereto, shall be issued by the Clerk of the United States District Court for the Southern District of Alabama.

**DONE and ORDERED** this 23rd day of May, 2016.

/s/ Callie V. S. Granade  
SENIOR UNITED STATES DISTRICT JUDGE